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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|   |   |                      |                         |
|---|---|----------------------|-------------------------|
| <b>In re United States Patent Application of:</b> | ) | <b>Customer No.:</b> | <b>24239</b>            |
| <b>Applicant:</b>                                 | ) | <b>Docket No.:</b>   | <b>014835-54.99-002</b> |
|   | ) |                      |                         |
| <b>Application No.:</b>                           | ) | <b>Examiner:</b>     | <b>A. Boesen</b>        |
|   | ) |                      |                         |
| <b>Filed:</b>                                     | ) | <b>Art Unit:</b>     | <b>1648</b>             |
|   | ) |                      |                         |
| <b>Title:</b>                                     | ) | <b>Confirmation</b>  | <b>3193</b>             |
|   | ) | <b>No.:</b>          |                         |
| <b>VIRUS COAT</b>                                 | ) |                      |                         |
| <b>PROTEIN/RECEPTOR</b>                           | ) |                      |                         |
| <b>CHIMERAS AND METHODS</b>                       | ) |                      |                         |
| <b>OF USE</b>                                     | ) |                      |                         |

**FACSIMILE TRANSMISSION CERTIFICATE****ATTN: Examiner A. Boesen****Fax No.: (571) 273-8300**

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5

Number of Pages (including cover)



Marianne Fuller

August 31, 2006

Date

**TERMINAL DISCLAIMER IN U.S. PATENT APPLICATION NO. 09/684,026**

Mail Stop Amendment  
Commissioner for Patents  
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Sir:

Enclosed please find an executed Terminal Disclaimer to obviate a double patenting rejection over a "prior" patent. Also included is a Statement under 37 CFR 3.73(b) and evidence of assignment from the inventors to assignee.

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The fee for filing this terminal disclaimer is \$130.00 and applicants authorize the Commissioner to charge this fee to Deposit Account No. 13-4365 of Moore & Van Allen PLLC

In the event that any issues remain, Examiner Boesen is requested to contact the undersigned attorney at (919) 286-8089 to resolve same.

Respectfully submitted,



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PTO/SB/28 (09-04)

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

014835-54.99-002

In re Application of: Devico, et al.

Application No.: 09/684,026

Filed October 8, 2000

For: **VIRUS COAT PROTEIN/RECEPTOR CHIMERAS AND METHODS OF USE**

The owner\*, UNIVERSITY OF MARYLAND BIOTECHNOLOGY INSTITUTE, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,908,812 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
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- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 39983

Marianne Fuierer  
Signature

August 31, 2006  
Date

Marianne Fuierer  
Typed or printed name

(919)-286-8089  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
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TR1161508v2

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: DEVICO, ET AL.Application No./Patent No./Control No.: 09/884,026Filed/Issue Date: OCTOBER 6, 2000Entitled: VIRUS COAT PROTEIN/RECEPTOR CHIMERAS AND METHODS OF USEUNIVERSITY OF MARYLAND BIOTECHNOLOGY INSTITUTE

(Name of Assignee)

, a UNIVERSITY

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

In the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011798, Frame 0848, or a true copy of the original assignment is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

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The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Marianne Fuierer  
Signature

AUGUST 31, 2006

Date

MARIANNE FUIERER

Printed or Typed Name

919-268-8089

Telephone Number

PATENT ATTORNEY, REG. NO. 39,983

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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\*101720624A\*

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BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

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PATENT NUMBER:

FILING DATE: 10/06/2000  
ISSUE DATE:

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